



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

TIMOTHY BARNARD,

Plaintiff,

v.

Civil Action No. **3:07CV566**

ANDREW JOHNSON, et al.,

Defendants.

MEMORANDUM OPINION

Plaintiff, a Virginia prisoner proceeding through counsel, filed this civil rights action pursuant to 42 U.S.C. § 1983. On November 6, 2008, the Court ordered Defendants Jackson, Davis, Johnson, and Whitehead to respond to Plaintiff's complaint within five (5) days. Defendants were warned that failure to do so would result in the entry of default judgment against them. Five (5) days have elapsed, and Defendants Jackson, Johnson, and Whitehead have not responded. Plaintiff's motion for default judgment and for a damages hearing (Docket No. 61) will therefore be GRANTED with respect to Defendants Jackson, Johnson, and Whitehead. Plaintiff's duplicative motion for default judgment (Docket No. 44) will be DENIED AS MOOT.

On June 19, 2008, the Court entered a pretrial order setting this action for jury trial on November 19, 2008. On November 4, 2008, Plaintiff filed a motion to continue the trial. Plaintiff's motion to continue the trial (Docket No. 67) will be GRANTED. Counsel for Plaintiff and Defendant Davis are ORDERED to attend a final pretrial conference and hearing on the motion for default judgment with respect to Defendant Davis, as well as Plaintiff's other outstanding motions, at 10:30 a.m. on November 19, 2008. The Court will not rule on the issue

of damages at this hearing. Defendant Davis is warned that failure to attend may result in sanctions including, but not limited to, the entry of default judgment against him.

An appropriate Order shall enter.

/s/
Richard L. Williams
United States District Judge

Date: **NOV 14 2008**
Richmond, Virginia